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THE AFONG CASE COMPROMISE

DOCUMENT FILED BY WHICH
SUIT RECENTLY BROUGHT WAS
SETTLED.

The agreement of compromise in the Afong case was filed yesterday, bearing the signatures of fourteen of the fifteen children. The other, Tony Afong, of Macao, is understood to have sent his signature also.

The agreement of compromise is as follows:

First: Mrs. Afong will pay to Mrs. McStocker, Mrs. Riggs, Mrs. Humphreys and Mrs. Magoon the sum of ten thousand (\$10,000) dollars each; and will also pay two thousand (\$2,000) dollars attorneys' fees, and \$50 costs of court.

Second: All of the children of Mrs. Afong will assign and release to Mrs. Afong, by a conveyance agreeable to her counsel, all of their right, title, interest, claims and demands on account or in respect of, or growing out of, or in any way connected with, all moneys received by Mrs. Afong up to and including July 31, 1907, from the trustee of the "Pepeekeo Trust" and all income of instruments whatsoever derived from said moneys, whether said moneys, income or investments be "accumulations," "surplus income," or otherwise; and Mrs. McStocker, Mrs. Riggs, Mrs. Humphreys and Mrs. Magoon will release the estate of Mrs. Afong, in case of Mrs. Afong's death during their lifetime, from all such right, title, interest, claims and demands as her heirs at law or next of kin.

It is understood that the foregoing paragraph refers to and includes all moneys which, but for the existing injunction, should have been received by Mrs. Afong up to and including July 31st, 1907, whether now in the hands of the trustee or otherwise.

Third: Subject to and after the payment to herself of the full sum of six thousand (\$6,000) dollars annually as a primary or first charge upon the entire future income derived and accruing from the "Pepeekeo Trust," from and after August 1st, 1907, Mrs. Afong will assign and release to her fifteen children, share and share alike, the said entire future income derived and accruing from said "Pepeekeo Trust," after said August 1st, 1907; Provided, however, that if in any fiscal year the total income from the said "Pepeekeo Trust" shall not equal the amount of said preferred claim of Mrs. Afong, to wit, said sum of six thousand (\$6,000) dollars annually, then the whole of said income shall be paid to said Mrs. Afong, but no deficiency thereof shall be made up out of the income of or from any succeeding year; and provided further that payments of each year's income to said preferred claimant, to wit, said Mrs. Afong, under this agreement, shall be made at such times as funds shall be available therefor, and upon satisfaction in full of said preferred claims the remainder of each year's income shall be paid to the remaining beneficiaries, share and share alike; and provided further that the fiscal year above referred to shall be computed from July 31st, 1907, and a corresponding date in succeeding years.

Fourth: All of said children, save and except Marie K. Humphreys, will join in release to Carrie B. Riggs, absolutely, of all their rights, title and interest in and to said Carrie B. Riggs' one-fifteenth share of the corpus of said "Pepeekeo Trust;" and said Carrie B. Riggs, in return therefor, shall release to all of said children (save and except said Marie K. Humphreys), absolutely, all of her said Carrie B. Riggs' right, title and interest and to their, and each of their, shares in said corpus.

Fifth: Mrs. Julia H. Afong and all of her children will release to Emmeline M. Magoon their share in that part of the estate of Chun Afong, deceased, represented by the conveyance from Emmeline M. Magoon and husband to Chun Afong, dated July 19, 1890, and recorded in Liber 255 at page 201.

Sixth: Answer to be filed in the equity suit entitled Carrie B. Riggs v. Julia H. Afong, et al., numbered Equity 1546, now pending in the Circuit Court of the First Judicial Circuit, in the Territory of Hawaii, and a consent decree as proposed by Judge Humphreys in his letter to Judge Dole of June 12, 1907, entered therein in form agreeable to Mrs. Afong's counsel.

Seventh: A reasonable time should be allowed within which to raise the money needed for this settlement; the sums hereinbefore named to be paid to the respective parties, not later, however, than the 15th day of August, A. D. 1907.

Eighth: Inview of the expenses and demands upon Mrs. Afong, the sum of fifteen thousand dollars (\$15,000) shall be immediately released from the operation of the present injunction.

MARRIED.
CUMMING-GUILD—At 1543 Makiki street, Honolulu, (the residence of Mr. James Guild, on the 15th inst., by the Rev. Doremus Scudder, D.D., James Cumming, Kahuku, to Miss Cumming, youngest daughter of Mrs. Mary Guild, Honolulu.

BAND CONCERT

The Hawaiian Band will play the following program at the Moana Hotel, Waikiki, beginning at 7:30 this evening:

PART I.
March, Comrades.....Telke
Overture, "French Comedy".....Bela
Waltz, "Southern Breezes".....Miesler
Selection, "Jerusalem".....Verdi

PART II.
Vocal, Hawaiian Songs, arr. by Berger
Section, "The Star".....O'Hare
Intermezzo, "Golden Rod".....McKinley
Finale, "Military Cadets".....Souza
"Star Spangled Banner."

BORN.
ENOS—In this city, October 17, to the wife of John Enos, a daughter.

AND GET APPENDICITIS.
Writers of economic textbooks based on the late law of supply and demand can see some reason, perhaps, after reading the latest Standard Oil returns for issuing an appendix containing errata and other things—Chicago News.

It's a good deal easier to bring a little piece of heaven to earth every day than to try to lift the world to heaven all at once.

NEW ADVERTISEMENTS

No. 124. TERRITORY OF HAWAII.
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TERRITORY OF HAWAII TO LOO JOE; JOSEPH HAY; KOOLAU AGRICULTURAL COMPANY, LIMITED; KOOLAU RAILWAY COMPANY, LIMITED; POIPI (W); CHING SAI; PAKALONA; AANA; PAKINI; LEIALOHA; KEALIO; CECIL BROWN; TRUSTEES under the will of BERNICE PUAIH BISHOP as follows:—W. O. SMITH; S. M. DAMON; E. FAXON BISHOP; A. W. CARTER and J. O. CARTER; EXECUTORS under the will of JOHN ENA as follows:—FATHER H. VALENTIN and HAWAIIAN TRUST COMPANY, LIMITED; COUNTY OF OAHU by CHARLES HUSTACE, JR. as Chairman of the Board of Supervisors; TERRITORY OF HAWAII by C. R. HEMENWAY as Attorney General; HEIRS of KUHEANA; HEIRS of PUAA, of KAPAKA, KOOLAU, OAHU; Mrs. MAKAINO KAMOHILILI; Mrs. NAMA-NOHAE; HEIRS of HUEU; HEIRS of DAVID POHUE; SAMUEL A. NAHUNA; HEIRS of MAKAINO alias MAKAINO; J. LOUDON KEAUNUI; KAONOHILEHEI; DAVID L. GREGG; FRANCIS MOSS; RAHELA KAMAKAIA; KALEKA KEKAI alias THERESA KEKAI; NETTIE SPENCER; NETTIE LEE COUNT; DANIELA MANNER; EMMA KELIHOPI; KAPU; CHUN HIN; TRUSTEES under the will of MARGARET V. CARTER as follows:—A. W. CARTER and JOHN C. LANE; and to ALL whom it may concern.

Whereas, a petition has been presented to said Court by JAMES H. CASTLE to register and confirm his title in the following-described land:

PART I.
Commencing at a point on the seashore marked with a driven iron rail bearing, by true azimuth, 304°54', and distant 10,181 feet from the Kapaepapa Trig. Station, and 242°32'30", 4,411 feet from the Kapaka Reference Station, said reference station (marked by an iron bolt) being on the main bridge north of the Kaliuwa valley about 30 feet from its extreme end, and located by the following true azimuths and distances: from Kapaepapa Trig. Station 330°34', 9,024 feet; from the top of Waialahala Peak 224°55', 1,914 feet; and from the Spire of the Protestant Church at Haleakala 115°21'; the boundary runs by true azimuths:—

(1) 62°45', 150.0 feet, along Kala-
nui, L. C. A. 7713, Ap. 32, to V.
Kamamalu, to a driven iron rail
on the upper side of the govern-
ment, 333°00', 39 feet from the
South corner of said road and a
road leading inland;
(2) 61°10', 640.0 feet, along same
to Ap. 2 of L. C. A. 8164M to Koli;
(3) 143°15', 57.5 feet, along Ap. 2
of L. C. A. 8164M;
(4) 255°30', 20.0 feet, along Ap. 2
of L. C. A. 6959 to Puahale;
(5) 165°30', 63.0 feet, along same;
(6) 75°30', 220.0 feet, along same;
(7) 345°30', 63.0 feet, along same;
(8) 255°30', 200.0 feet, along same;
(9) 60°45', 396.0 feet, along Ap. 2
of L. C. A. 8164M;
(10) 330°15', 60.0 feet, along same
to boundary of Kalaui;
(11) 59°45', 182.0 feet, along Ka-
laniui, to L. C. A. 8343 to Kala-
nui;
(12) 164°15', 555.5 feet, along L. C.
A. 8343 to Kalaui;
(13) 89°55', 351.0 feet, along same;
(14) 62°00', 211.0 feet, along same;
(15) 339°25', 17.0 feet, along same;
(16) 61°25', 427.0 feet, along Ap. 1
of L. C. A. 6959 to Puahale;
(17) 328°00', 170.0 feet, along same;
(18) 236°00', 310.0 feet, along same;
(19) 151°00', 18.0 feet, along same;
(20) 244°00', 90.0 feet, along same;
(21) 339°25', 78.0 feet, along L. C.
A. 8343 to Kalaui;
(22) 278°20', 20.0 feet, along same;
(23) 251°40', 88.0 feet, along same;
(24) 346°40', 129.0 feet, along same;
(25) 79°40', 170.0 feet, along same;
(26) 333°20', 442.0 feet, along same,
to redwood post on the boundary
of Kalaui;
(27) 56°35', 492.0 feet, along Ka-
laniui to a driven iron rail;
(28) 21°35', 460.0 feet, along Ka-
laniui to a driven iron rail on
West side of stream at bend;
(29) 241°40', 730.0 feet, along Ka-

laniui to a driven iron rail on
West side of stream bed (at 284.2
feet passing over a driven iron
rail on North-east side of the Koo-
lau Railway right of way, and at
343.6 feet a similar iron rail on the
South-west side of said right
of way);

(30) 81°45', 677.0 feet, along Ka-
laniui to a driven iron rail on the
North-east side of stone wall;
(31) 54°15', 295.0 feet, along Ka-
laniui to a driven iron rail;
(32) 71°50', 280.0 feet, along Ka-
laniui to a driven iron rail; on
slope, near end of side ridge, said
rail bearing 313°50', 985.5 feet,
from the Kapaka Reference Sta-
tion;

Then up said ridge along Kalaui,
the top of the ridge being the
boundary, to the top of the Waia-
lahala Peak, as follows:—

(33) 49°20', 1090 feet;
(34) 58°56', 544 feet;
(35) 100°30', 455 feet;
(36) 120°40', 410 feet, to top of
Waialahala Peak;

Thence down the main ridge and a
side ridge, along Makao, L. C. A.
11216 to M. Kekauonohi, the top
of the ridge being the boundary,
to a driven iron rail at end of
said side ridge, said iron rail bear-
ing 156°22', 617 feet, from the Ka-
paka Reference Station, as fol-
lows:—

(37) 202°52', 924 feet;
(38) 226°35', 530 feet, to point of
junction of ridges 77°00'30", 623.7
feet from the Kapaka Reference
Station;

(39) 197°27', 490 feet;
(40) 221°54', 320 feet, to the above
described iron rail; Thence

(41) 233°15', 1557 feet, along Ma-
kao to a driven iron rail just
above edge of rice land (at 1315.4
feet passing over a driven iron rail
on upper side of Koolau Railway
right of way and at 1357 feet
passing over a similar iron rail
on the lower side of said right of
way);

(42) 216°55', 475.0 feet, along Ma-
kao to a redwood post in the rice
land bearing 181°23', 644.5 feet,
from an artesian well;

(43) 227°05', 1100.0 feet, along Ma-
kao to a driven iron rail at corner
of fence bearing 218°32', 3357
feet, from the Kapaka Reference
Station;

(44) 218°19', 938.3 feet, along Ma-
kao along fence and across road
to the "28½ Mile Post";

(45) 218°19', 40.0 feet, along Ma-
kao to high water mark; Thence
along high water mark to the
initial point, the direct azimuth
and distance from the "28½ Mile
Post" being 316°54', 1818 feet;

Containing an area of 188 45-100
Acres, exclusive of Apanas 1 and 2
of L. C. A. 4355 to Kalia; Apana 2
of L. C. A. 10804 to Nakuina; and
Apana 4 of L. C. A. 4331 to Kamano;
said exceptions being more particu-
larly described as follows:—

EXCEPTION No. 1, Being APANA 1
of L. C. A. 4355 to Kalia.
Beginning at a short redwood post
bearing by true azimuth 9°23', 75
feet distant from a driven iron rail
on the boundary between Kapaka
and Makao, said iron rail bearing 218°32',
3357 feet, from the Kapaka Refer-
ence Station, and running, by true
azimuths:—

(1) 325°27', 130.8 feet, along Kono-
hiki to short redwood post;
(2) 45°25', 128.0 feet, along Kono-
hiki to short redwood post;
(3) 151°30', 31.3 feet, along Kono-
hiki to short redwood post;
(4) 54°49', 255.3 feet, along Kono-
hiki to short redwood post;
(5) 148°30', 87.0 feet, along Kono-
hiki to short redwood post;
(6) 230°40', 375.6 feet, along Kono-
hiki to the initial point;
Containing an area of 93-100 Acres.
EXCEPTION No. 2, Being APANA 2
of L. C. A. 4355 to KAHUIA.
Beginning at a point bearing true
azimuth 31°30', 550 feet, from the
"28½ Mile Post" on the boundary be-
tween Kapaka and Makao, and run-
ning, by true azimuths:—

(1) 53°30', 122.8 feet, along Kono-
hiki;
(2) 323°30', 89.1 feet, along Kono-
hiki;
(3) 233°30', 122.8 feet, along Kono-
hiki to the initial point;
Containing an area of 25-00 Acres.
EXCEPTION No. 3, Being APANA 3
of L. C. A. 10804 to NAKUINA.
Beginning at a driven iron rail on
an island called Moku Hala, said iron
rail bearing by true azimuth 326°46'4",
739.5 feet, from the "28½ Mile Post"
on the boundary between Kapaka
and Makao, and running, by true az-
imuths:—

(1) 68°18', 191.4 feet, along Kono-
hiki to a driven iron rail;
(2) 348°18', 118.8 feet, along Kono-
hiki to a driven iron rail;
(3) 248°18', 191.4 feet, along Kono-
hiki to a driven iron rail;
(4) 168°18', 118.8 feet, along Kono-
hiki to the initial point;
Containing an area of ¼ Acre.
EXCEPTION No. 4, Being APANA 4
of L. C. A. 4331 to KAMANO.
Beginning at a point on the South-
east side of Waimanua pond or la-
goon at the end of a lily hedge, said
point bearing by true azimuth 308°15',
153 feet, from an iron rail at the
South corner of "Exception No. 3" as
described above, and running, by true
azimuths:—

(1) 58°45', 225.0 feet, along the
South-east side of the pond or la-
goon;
(2) 326°00', 360.0 feet, along Kono-
hiki;
(3) 248°15', 116.5 feet, along Kono-
hiki;
(4) 162°30', 390.0 feet, along Kono-
hiki along hedge to the initial
point;
Containing an area of 1 45-100 Acres.
PART II.
Beginning at a driven iron rail ma-

kai (North) of the Koolau Railway
250 feet West of a large concrete pipe
for carrying an auwai or ditch under
the railway, and 278°30', 2508.6 feet,
from the Kapaka Reference Station,
and running, by true azimuths, all
sides adjoining Konoiki land of Ka-
laniui:—

(1) 69°37', 165 feet, to a stake (at
6.5 feet passing over a driven iron
rail on the lower side of the Koo-
lau Railway right of way, and at
52.2 feet a similar iron rail on the
upper side of said right of
way);
(2) 163°27', 182 feet, to a stake
within the railway right of way
(at 163.5 feet passing over a driven
iron rail on the upper side of
said right of way);
(3) 251°40', 792.8 feet, (at 35.5
feet passing over a driven iron
rail on the lower side of the Rail-
way right of way);
(4) 320°55', 279.0 feet;
(5) 332°55', 340.0 feet;
(6) 72°07', 247.0 feet to a stake at
junction of Kuaana;
(7) 153°07', 227.0 feet, to a stake
at a Kuaana 6 feet from corner
of rice land;
(8) 87°37', 98.0 feet, to a stake;
(9) 138°07', 128.0 feet, to a stake;
(10) 79°32', 361.0 feet, to the in-
itial point;

Containing an area of 6 6-10 Acres,
said parts 1 and 2 being L. C. A.
8559B, Apana 34 to W. C. Lunnallo;
L. C. A. 10780 to Puua; L. C. A. 8592
to Kikau; L. C. A. 3720 to Makalau;
L. C. A. 4014 to Hueu; L. C. A. 10804
to Nakuina, Apana 1; and L. C. A.
8583 to Kuheana; in Kapaka, Koolau-
loa, Oahu.

You are hereby cited to appear at
the Court of Land Registration, to be
held at Honolulu, Island of Oahu, on
the 15th day of Nov. A. D. 1907, at one
o'clock and thirty minutes in the af-
ternoon, to show cause, if any you
have, why the prayer of said petition
should not be granted. And unless
you appear at said Court at the time
and place aforesaid your default will
be taken as confessed, and you
will be forever barred from contest-
ing said petition or any decree entered
thereon.

Witness, PHILIP L. WEAVER, Esq.,
Judge of said Court, this 15th
day of Oct. in the year nineteen hun-
dred and seven.

Attest with Seal of said Court.
(Seal) W. L. HOWARD,
Registrar.
Oct. 17—24—31—Nov. 7.

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